REMARKS

In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

Initially, applicants would like to note that the present amendment is being submitted in compliance with "Amendments In A Revised Format Now Permitted", 1267 OG 4 (February 25, 2003). Pursuant to this notice, the requirements of 37 C.F.R. § 1.121 have been waived.

The objection to the specification is obviated in view of the above amendments. The definition of R4 has been amended to correct an obvious error in the valency of a carbon atom of R and S enantiomers of R4. Therefore, no new matter has been added.

The objection to claims 5 and 8 is respectfully traversed in view of the above amendments and the following remarks.

The rejection of claims 1-4, 6, 7, 15-20, and 22 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,532,167 to Cantley et al. ("Cantley") is respectfully traversed in view of the above amendments and the following remarks.

Cantley relates to a method for determining an amino acid sequence motif for a phosphorylation site of a protein kinase. The method involves contacting a protein kinase with an oriented degenerate peptide library, wherein peptides within the library which are substrates for the kinase are converted to phosphopeptides, the phosphopeptides are separated from the non-phosphorylated peptides, the isolated phosphopeptides are sequenced, and an amino acid sequence motif for the phosphorylation site is determined.

In contrast, claim 1 (and its dependent claims 3-8, 13-20, and 22) is directed to "[a] method for identifying inhibitors of protein kinases comprising: identifying at least one first module having one or more functional groups each capable of covalently or non-covalently binding to catalytic residues of the protein kinase, wherein said identifying comprises covalently attaching the at least one first module to a peptide scaffold and identifying one or more functional groups on the first module which preferentially bind to catalytic residues of the protein kinase; covalently attaching the at least one first module to at least one second module which provides a non-peptide scaffold, wherein the at least one second module comprises an indole, to form one or more combinations of the first and second modules, wherein said covalently attaching comprises substituting the at least one second

module for the peptide scaffold . . . ." (emphasis added). Cantley neither discloses nor suggests covalently attaching at least one first module to a peptide scaffold and substituting at least one second module comprising an indole for the peptide scaffold. In contrast, Cantley relates to the identification of peptide scaffolds which may be used in the first step of the present invention, but neither discloses nor suggests subsequently substituting the peptide scaffold with a second module which provides a non-peptide scaffold and which comprises an indole. It is the position of the U.S. Patent and Trademark Office ("PTO") that Cantley discloses a peptide including a Tryptophan (W) residue in Table 8, which comprises an indole and could be considered a second non-peptide module to which first modules comprising functional groups are added. Moreover, the PTO asserts that Cantley teaches covalent attachment of a tryphostin, which is comprised of an indole, to one or more amino acids of the peptide scaffold of Cantley. However, Cantley does not disclose or suggest substituting a previously identified peptide scaffold with a second module which provides a non-peptide scaffold and which comprises an indole, as required by the claims of the present application. In particular, the amino acid sequence identified in Table 8 of Cantley is merely the amino acid sequence of a known substrate of a tyrosine kinase (i.e., a peptide scaffold).

Accordingly, the rejection based on Cantley is improper and should be withdrawn.

The rejection of claims 1, 3, 4, 6, 7, and 13-16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,464,861 to Dobrusin et al. ("Dobrusin") is respectfully traversed in view of the above amendments incorporating the limitations of claim 2 into claim 1.

In view of the all of the foregoing, applicants submit that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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7/28/03 | Wendy L. Barry
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